

Exhibit A

From: [Swift, Chris](#)
To: [Fairchild, Katie \(USAWAW\)](#); [Fonseca, Joseph \(USAWAW\)](#); [Kidd, Paul Albert \(USAWAW\)](#)
Cc: [Kumar, Ambika](#); [Sejal Zota](#); [Dinesh McCoy](#)
Subject: [EXTERNAL] NWDC Resistance, et al. v. ICE, et al.
Date: Tuesday, February 7, 2023 10:32:06 AM

Katie,

Here is Plaintiff's proposed compromise regarding the First Amendment privilege issue:

1. Plaintiffs will agree to provide supplemental discovery responses, which will be designated Attorneys' Eyes Only (AEO) pursuant to the protective order in this case. These responses will disclose the names of the unnamed individuals identified in previous discovery responses and declarations, to the extent that information is known to Plaintiffs.
2. If Defendants intend to ask questions about these individuals during Plaintiffs' 30(b)(6) depositions, then they must do so in a designated portion of the depositions with only the parties' attorneys, the deponent, and the court reporter present. The corresponding portions of the transcripts must be designated as AEO, and may be used only in accordance with the procedures for AEO materials in the parties' protective order.
3. The unnamed individuals may be referred to using anonymous identifiers (e.g., "Individual 1") in unsealed filings. If a party intends to include the individuals' names or similar identifying information (e.g., A numbers) in a filing, the parties will stipulate to filing that information under seal.
4. No further discovery regarding these individuals will be permitted without leave of court, including but not limited to additional depositions, interrogatories, requests for admission, or requests for production.
5. The unnamed individuals may not be called as witnesses at trial without leave of court. Questioning regarding these individuals at trial must use anonymous identifiers unless the questioning party obtains leave of court to refer to the individuals' names or other identifying information. If leave as described in this paragraph is granted, the parties agree that only the witness and the individuals listed in paragraphs 4.2(a) and (d) of the protective order may be present in the courtroom for the duration of the questioning.

Please let us know if Defendants will agree to this proposal.

Thanks,
Chris

Chris Swift (he/him) | Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400 | Portland, OR 97201
Tel: (503) 276-5505 | Fax: (503) 778-5299
Email: chrisswift@dwt.com | Website: www.dwt.com

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